

EXHIBIT 1

DECLARATION OF ADRIAN CHARLES HARDINGHAM

17/01 '08 THU 12:46 FAX 00442072803202

HOLMES HARDINGHAM 3

008

**HOLMES HARDINGHAM**

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE

TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 DEX 636 LONDON/CITY

E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

**FACSIMILE TRANSMISSION**

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

No of Pages including this Page: 5

**IMPORTANT:** This facsimile is intended only for the addressee. It may contain privileged and/or confidential information. If you are not the intended recipient please inform us by telephone and return the original to us by post.

Our Ref: ACH/DJG/2021068

Date:

6 May 2004

Your Ref:

Dear Sirs

**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:  
Alcobex Metals Limited Sixth Defendant**

**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,  
Commercial Court**

As you know, we are instructed by the insurers of Bhatia Shipping & Agencies PVT Limited.

We attach a copy of an Application Notice. The purpose of the present communication is to inform you that our Counsel's Clerk will be applying to the Admiralty & Commercial Court Listing Office, Royal Courts of Justice, Strand, London WC2 on 11<sup>th</sup> May 2004 at 2:30pm for an appointment to be fixed for the hearing of the attached Application. You are therefore on notice of this and you have the opportunity to attend or be represented at the time referred to above. If you are proposing to attend or be represented, it would be appreciated if you would let us know.

Once an appointment has been fixed for the hearing of the Application, we will arrange for service upon you of the Application Notice and evidence in support.

Yours faithfully

*Holmes Hardingham*  
Holmes Hardingham

**PARTNERS:** ADRIAN HARDINGHAM NICHOLAS WALSER DAVID JOHNSTON ANDREW MESSENT TIM KNIGHT JANE HOBBS MARTIN PENNY

**ASSOCIATES:** IAN RAMSAY (LEGAL EXECUTIVE) NIRANJAN ABEYRATNE CONSULTANTS PRACTISING: DAVID PADOVAN NON-PRACTISING: ANTHONY HOLMES NICHOLAS GARETT ANDREW GOLDSWORTHY

REGULATED BY THE LAW SOCIETY VAT NO GB 524 7369 33

17/01 '08 THU 12:46 FAX 00442072803202

HOLMES HARDINGHAM 3

007

N244 Application Notice

**Application Notice**

You should provide this information for listing the application

1. How do you wish to have your application dealt with

- a) at a hearing? ☐   
 b) at a telephone conference? ☐   
 c) without a hearing? ☒ complete Qs 5 and 6 below

2. Give a time estimate for the hearing/conference  
(hours) (mins)3. Is this agreed by all parties? ☐ Yes ☐ No

4. Give dates of any trial period or fixed trial date

5. Level of judge

6. Parties to be served

In the

Claim no. 2003 Folio 334

Warrant no.

Claimant  
(including ref.) BHATIA SHIPPING  
AND AGENCIES PVT  
LIMITEDDefendant(s)  
(including ref.) SAI SHIPPING  
COMPANY LIMITED  
AND OTHERS

Date 15/1/2004

**Note** You must complete Parts A and B, and Part C if applicable. Send any relevant fee and the completed application to the court with any draft order, witness statement or other evidence; and sufficient copies for service on each respondent.

**Part A**

1. Enter your full name, or name of solicitor

I (We)<sup>(1)</sup> Adrian Charles Hardingham, solicitor (on behalf of)(the claimant)(the defendant)

2. State clearly what order you are seeking and if possible attach a draft

intend to apply for an order (a draft of which is attached) that<sup>(2)</sup>  
 There be a trial on the merits of the Claimant's claim for a declaration that the Claimant is not liable to the Sixth Defendant on the ground that any claim of the Sixth Defendant against the Claimant is time-barred pursuant to the terms of the Claimant's Multi-Modal Transport Documents numbered BOM/WMD/047 and BOM/SFT/048 respectively, each dated Mumbai 2<sup>nd</sup> February 2002.  
 because<sup>(3)</sup>

3. Briefly set out why you are seeking the order. Include the material facts on which you rely, identifying any rule or statutory provision

The Sixth Defendant has failed to acknowledge service properly, and despite the Claimant being entitled to seek a default judgment, any such default judgment may not be recognised or enforced in India, where the Sixth Defendant is domiciled.

**Part B**

I (We) wish to rely on: tick one box

the attached (witness statement)(affidavit) ☒ my statement of case ☐evidence in Part C in support of my application ☒

4. If you are not already a party to the proceedings, you must provide an address for service of documents

Signed

(Applicant)'s Solicitor)'s litigation friend)

Position or office held

Partner

(if signing on behalf of firm or company)

Address to which documents about this claim should be sent (including reference if appropriate)<sup>(4)</sup>Holmes Hardingham Walser Johnston Winter  
22-23 Great Tower Street  
London

Tel. no. 020 7280 3200

Postcode

EC3R 5HE

if applicable  
fax no. 020 7280 3201

DX no. 636 City

e-mail

The court office at

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.

N244 Application Notice (4.00)

Printed on behalf of The Court Service

17/01 '08 THU 12:46 FAX 00442072803202

HOLMES HARDINGHAM 3

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N244 Application Notice

Claim No. 2003 Folio 344

**Part C:**

I wish to rely on the following evidence in support of this application:

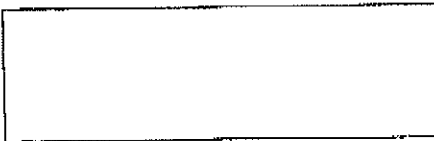
In addition to the Affidavit of Adrian Charles Hardingham, sworn on 15<sup>th</sup> January 2004 attached hereto, the First and Second Witness Statements of Adrian Charles Hardingham dated 25<sup>th</sup> July 2003 and 21<sup>st</sup> August 2003 respectively.

The Witness Statement of Mr. Ivan Eggermont dated 14<sup>th</sup> January 2004

**Statement of Truth**

\*(I believe)(~~The applicant believes~~) that the facts stated in this application are true

*\*delete as appropriate*

**Signed**

(Applicant)(~~'s litigation friend~~)(~~as~~  
solicitor)

**Position or  
office held**  
(if signing on  
behalf of firm or  
company)

Partner

**Date**

15/1/2004



17/01 '08 THU 12:45 FAX 00442072803202

HOLMES HARDINGHAM 3

002

**HOLMES HARDINGHAM**

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
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**FACSIMILE TRANSMISSION**

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

No of Pages including this Page: 6

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Our Ref: ACH/DJG/2021068

Date:

16 June 2004

Your Ref:

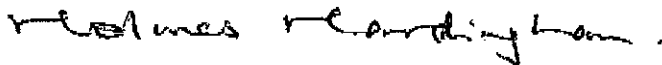
Dear Sirs

**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:**  
**Alcobex Metals Limited Sixth Defendant**  
**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,**  
**Commercial Court**

We attach by way of service a copy of the Fourth Witness Statement of Adrian Charles Hardingham, made in connection with the hearing due to take place in London on 25<sup>th</sup> June of which you have been notified.

We are not attaching copies of exhibited documents which you will already have seen. There is however attached to this fax a copy of the Affidavit of Service which is referred to in the Statement.

Yours faithfully



Holmes Hardingham

PARTNERS: ADRIAN HARDINGHAM NICHOLAS WALSH DAVID JOHNSTON ANDREW MESSENT TIM KNIGHT JANE HOBBS MARTIN PENNY  
 ASSOCIATES: IAN RAMSAY (LEGAL EXECUTIVE) NIBRANJAN ABHYRATNE CONSULTANTS: PRACTISING: DAVID PADOVAN NON-PRACTISING: ANTHONY HOLMES NICHOLAS GARRETT ANDREW  
 GOLDSWORTHY

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17/01 '08 THU 12:45 FAX 00442072803202

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16/06 '04 WED 18:17 FAX 00442072803203

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## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE

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Holmes Hardingham

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HOLMES HARDINGHAM 3

004

# HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

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## FACSIMILE TRANSMISSION

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Our Ref: ACH/DJG/2021068

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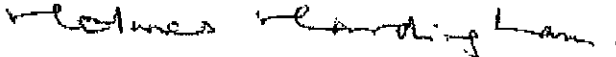
**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:**

**Alcobex Metals Limited Sixth Defendant**

**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,  
Commercial Court**

We attach by way of service a copy of the index to the bundle of documents which has been prepared for the hearing due to take place in London on 25<sup>th</sup> June of which you have been notified.

Yours faithfully



Holmes Hardingham

17/01 '08 THU 12:46 FAX 00442072803202

HOLMES HARDINGHAM 3

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22/06 '04 TUE 17:16 FAX 00442072803203

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 \*\*\* TX REPORT \*\*\*  
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MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
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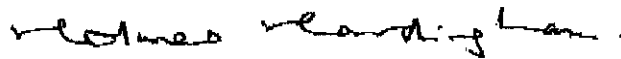
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Yours faithfully



Holmes Hardingham



17/01 '08 THU 12:47 FAX 00442072803202

HOLMES HARDINGHAM 3

009

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
COMMERCIAL COURT

2003 Folio 334

Before:

Between:

BHATIA SHIPPING AND AGENCIES PVT. LIMITED

Claimant

-and-

SAI SHIPPING COMPANY PVT LIMITED

First Defendant

UNIVERSE INSURANCE AGENCY LIMITED

Second Defendant

CORY BROTHERS SHIPPING PVT LIMITED

Third Defendant

FIRST CORPORATE SHIPPING LIMITED  
(Trading as THE BRISTOL PORT COMPANY)

Fourth Defendant

SALEM TUBE INTERNATIONAL LIMITED

Fifth Defendant

ALCOBEX METALS LIMITED

Sixth Defendant

An Application was made by notice dated [...]

Upon having read the affidavit of Adrian Charles Hardingham filed on behalf of the Claimant.

IT IS ORDERED that:

1. There be listed a trial on the merits of Claimant's claim against the Sixth Defendant for a declaration that the Claimant is not liable to the Sixth Defendant on the ground that any claim of the Sixth Defendant against the Claimant is time-barred pursuant to the terms of the Claimant's Multi-Modal Transport Documents

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17/01 '08 THU 12:47 FAX 00442072803202

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numbered BOM/WMD/047 and BOM/STF/048 respectively, each dated Mumbai  
2<sup>nd</sup> February 2002.

2. Costs of this Application be Costs in the Case.

Dated:

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17/01 '08 THU 12:47 FAX 00442072803202  
06/05 '04 THU 16:21 FAX 00442072803202

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## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
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## FACSIMILE TRANSMISSION

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**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,**  
**Commercial Court**

As you know, we are instructed by the insurers of Bhatia Shipping & Agencies PVT Limited.

We attach a copy of an Application Notice. The purpose of the present communication is to inform you that our Counsel's Clerk will be applying to the Admiralty & Commercial Court Listing Office, Royal Courts of Justice, Strand, London WC2 on 11<sup>th</sup> May 2004 at 2:30pm for an appointment to be fixed for the hearing of the attached Application. You are therefore on notice of this and you have the opportunity to attend or be represented at the time referred to above. If you are proposing to attend or be represented, it would be appreciated if you would let us know.

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**FACSIMILE TRANSMISSION****To Fax No:** 00 91 291 274 1990**Addressee:** ALCOBEX METALS LIMITED**No of Pages including this Page:** 25 82

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**Our Ref:** ACH/DJG/2021068**Date:**

13 May 2004

**Your Ref:**

Dear Sirs

**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:  
Alcobex Metals Limited Sixth Defendant**

**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,  
Commercial Court**

Further to our fax of 6<sup>th</sup> May, we are now able to attach the following by way of service:

1. Application Notice endorsed by the Commercial Court to show that the hearing will take place on 25<sup>th</sup> June of our application for an Order that there be a trial on the merits of the Claimant's claim for a declaration that the Claimant is not liable. The estimated length of the hearing is 30 minutes. We shall be attending with Counsel.
2. Draft Order.
3. First Affidavit of Adrian Charles Hardingham in support (with exhibit).
4. Witness Statement of Ivan Eggermont in support (with exhibit).

We should be grateful if you would acknowledge service.

Yours faithfully

Holmes Hardingham

*Adrian Charles Hardingham*

13/5/04

*One page  
re-sent**M.H.*

PARTNERS: ADRIAN HARDINGHAM NICHOLAS WALSER DAVID JOHNSTON ANDREW MESSENT TIM KNIGHT JANE HOODS MARTIN PENNY

ASSOCIATES: IAN RAMSAY (LEGAL EXECUTIVE) NIRANJAN ABEYRATNE CONSULTANTS PRACTISING: DAVID PADDOVAN NON-PRACTISING ANTHONY HOLMES NICHOLAS GARRETT ANDREW GOLDSWORTHY

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17/01 '08 THU 12:48 FAX 00442072803202

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13/05 '04 THU 17:54 FAX 00442072803202

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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**HOLMES HARDINGHAM**

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE

TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 Dlx 636 LONDON/CITY

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**FACSIMILE TRANSMISSION**

To Fax No: 00 91 291 274 1990

Addressec: ALCOBEX METALS LIMITED

No of Pages including this Page: 82

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4. Witness Statement of Adrian Charles Hardingham in support (with exhibit)

17/01 '08 THU 12:48 FAX 00442072803202

HOLMES HARDINGHAM 3

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13/05 '04 18:49 FAX

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## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
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### FACSIMILE TRANSMISSION

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4. Witness Statement of Ivan Berrington in support (with exhibit).

90

245

17/01 '08 THU 12:48 FAX 00442072803202

HOLMES HARDINGHAM 3

015

IN THE HIGH COURT OF JUSTICE AT LONDON  
 QUEEN'S BENCH DIVISION  
 COMMERCIAL COURT

Claim No. 2003 FOLIO 334

Bhatia Shipping and Agencies Pvt. Ltd.

.....Claimant

Vs.

Sai Shipping Company Pvt. Ltd. &amp; Ors.

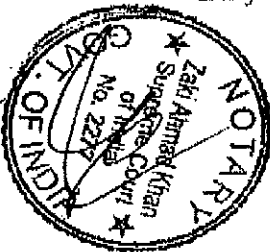
.....Defendants

AFFIDAVIT OF MR. PRAKASH ARYA, SON OF SHRI UDAI ARYA  
 AGED ABOUT 22 YEARS, RESIDENT OF S-1, AKARSHAN BHAVAN,  
 23, ANSARI ROAD, DARYAGANJ, NEW DELHI-110 002

I, the deponent abovenamed solemnly affirm and state as under:-

1. That I am Clerk of Shri O. P. Gaggar, Advocate. I know the facts of the service of the application notice, affidavits and the order of the English High Court, statement of first witness etc. on the defendant number 6 and can depose the same.

2. That on 31<sup>st</sup> May, 2004 at about 1.15 PM, I personally went to the office of the defendant number 6 namely M/s Alcobex Metals Limited at 4223/1, Ansari Road, Daryaganj, New Delhi-110002 and served the following papers on the defendant No. 6:-



- i. Application Notice,
- ii. Affidavit of Mr. Adrian Charles Hardingham together with it's exhibit (Exhibit "ACH 13")
- iii. Order of the English High Court,
- iv. First Witness Statement of Mr. Ivan Eggermont together with it's exhibit (Exhibit "EI 1").

All the above papers were served on the defendant number 6 alongwith letter of service. The defendant number 6 who has given receipt of the same by putting the stamp and signature on the covering letter as well as the copies of each of the above papers.

Phun  
 Deponent

..../2

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246

17/01 '08 THU 12:49 FAX 00442072803202

HOLMES HARDINGHAM 3

018

-2-

## VERIFICATION

I, Prakash Arya, the deponent abovesaid hereby verify that the contents of the above para 1 and 2 is correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.

Verified so at New Delhi on this 31<sup>st</sup> day of May, 2004.

*I identify him*  
*[Signature]*  
I identify the Executant Deponent  
who has signed in my presence.

*[Signature]*  
Deponent.



ATTESTED  
*[Signature]* 31/5/04  
NOTARY DELHI

(92)

(247)



17/01 '08 THU 12:49 FAX 00442072803202

HOLMES HARDINGHAM 3

017

**O.P. GAGGAR ADVOCATE, SUPREME COURT**

S-1, Akarshan Bhawan, 23, Ansari Road, Darya Ganj, New Delhi - 110 002  
 Ph./Fax : 2328 1674, Phone : 2006 1673 Resi. : 95129 - 227 4409 (STD 0129)  
 e-mail: opgaggar@hotmail.com

May 31, 2004

Alcobex Metals Limited,  
 4223/1, Ansari Road,  
 Darya Ganj,  
 New Delhi-110 002

Dear Sirs,

Re. In the High Court of Justice at London  
 Queen's Bench Division,  
 Commercial Court,

Bhatia Shipping and Agencies Pvt. Ltd. ....Claimant  
 Vs.  
 Sai Shipping Company Pvt. Ltd. & Ors. ...Defendants  
 2003 Folio 334

I have been instructed by Bhatia Shipping and Agencies Pvt. Ltd., Mumbai and their London Solicitors Holmes Hardingham Walser Johnston Winter, to serve upon you the Application Notice dated 15.1.2004, affidavit of Mr. Adrian Charles Hardingham (together with its exhibits marked as Exhibit "ACH 13") seeking an order for striking out and/or setting aside Alcobex Metals Ltd.'s acknowledgement of service as being defective and seeking a judgment in favour of Bhatia Shipping and Agencies Pvt. Ltd., Mumbai against Alcobex Metals Ltd., Order of the English High Court and First Witness Statement of Mr. Ivan Eggermont together with its exhibit marked as Exhibit "EI 1" in respect of proceedings commenced against you by Bhatia Shipping and Agencies Pvt. Ltd., Mumbai in the High Court of Justice, Queen's Bench division, Commercial Court, London, U.K.

Accordingly, the said Application Notice, affidavit of Mr. Adrian Charles Hardingham together with its exhibits marked as Exhibit "ACH 13", Order of the English High Court, First Witness Statement of Mr. Ivan Eggermont together with its exhibit marked as Exhibit "EI 1" are enclosed as and by way of service upon you.

.../2

17/01 '08 THU 12:49 FAX 00442072803202

HOLMES HARDINGHAM 3

018

**O.P. GAGGAR ADVOCATE, SUPREME COURT**

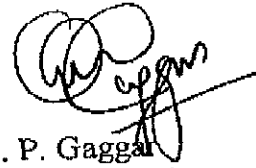
S-1, Akarshan Bhawan, 23, Ansari Road, Darya Ganj, New Delhi - 110 002  
Ph./Fax : 2328 1674, Phone : 2006 1673 Resl. : 95129 - 227 4409 (STD 0129)  
e-mail: opgaggar@hotmail.com

-2-

Please note that the Application is due to be heard by the High Court of Justice, Queen's Bench Division, Commercial Court, London, U. K. on 25<sup>th</sup> June 2004 when my clients, Bhatia Shipping and Agencies Pvt. Ltd. shall be represented by Counsel and the estimated length of the hearing would be about 30 minutes.

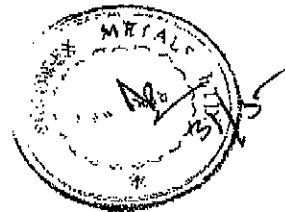
Kindly acknowledge receipt.

Your's Faithfully,



O. P. Gaggar  
Advocate for the Claimant.

- Encl. 1. Application Notice,  
2. Affidavit of Mr. Adrian Charles Hardingham together with it's exhibit (Exhibit "ACH 13")  
3. Order of the English High Court,  
4. First Witness Statement of Mr. Ivan Eggermont together with it's exhibit (Exhibit "EI 1").



17/01 '08 THU 12:49 FAX 00442072803202

HOLMES HARDINGHAM 3

019

# HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE

TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 DEX 636 LONDON/CITY

E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

## FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

No of Pages including this Page: 1

IMPORTANT: This facsimile is intended only for the addressee. It may contain privileged and/or confidential information.  
If you are not the intended recipient please inform us by telephone and return the original to us by post.

Our Ref: ACH/GK/2021068

Date:

29<sup>th</sup> June 2004

Your Ref:

Dear Sirs

**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:  
Alcobex Metals Limited Sixth Defendant**

**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,  
Commercial Court**

Further to previous correspondence, we are writing to inform you that our Counsel's Clerk will be applying to the Admiralty and Commercial Court Listing Office, Royal Course of Justice, Strand, London WC2 tomorrow, 29<sup>th</sup> June 2004 at 2.30pm for a date to be fixed for the trial of this action. You are therefore on notice of this and you have the opportunity to attend or be represented at the time referred to above. If you are proposing to attend or be represented, it would be appreciated if you would let us know.

Yours faithfully

*John Hardingham*  
Holmes Hardingham

17/01 '08 THU 12:50 FAX 00442072803202

HOLMES HARDINGHAM 3

020

29/06 '04 TUE 11:40 FAX 00442072803203

HOLMES HARDINGHAM 4

001

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 \*\*\* TX REPORT \*\*\*  
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ST. TIME	29/06 11:39
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RESULT	OK

## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE

TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 Dlx 636 LONDON/CITY

E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

### FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

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Our Ref: ACH/GK/2021068

Date:

29<sup>th</sup> June 2004

Your Ref:

Dear Sirs

**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:**  
**Alcobex Metals Limited Sixth Defendant**

**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,**  
**Commercial Court**

Further to previous correspondence, we are writing to inform you that our Counsel's Clerk will be applying to the Admiralty and Commercial Court Listing Office, Royal Course of Justice, Strand, London WC2 tomorrow, 29<sup>th</sup> June 2004 at 2.30pm for a date to be fixed for the trial of this action. You are therefore on notice of this and you have the opportunity to attend or be represented at the time referred to above. If you are proposing to attend or be represented, it would be appreciated if you would let us know.

Yours faithfully

*[Signature]*  
 Holmes Hardingham

*[Signature]*

(316)

17/01 '08 THU 12:50 FAX 00442072803202

HOLMES HARDINGHAM 3

021

## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 DEX 636 LONDON/CITY  
E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

### FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990  
Addressee: ALCOBEX METALS LIMITED  
No of Pages including this Page: 1

---

IMPORTANT: This facsimile is intended only for the addressee. It may contain privileged and/or confidential information.  
If you are not the intended recipient please inform us by telephone and return the original to us by post.

---

Our Ref: ACH/GK/2021068

Date:

29<sup>th</sup> June 2004

Your Ref:

Dear Sirs

**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:**  
**Alcobex Metals Limited Sixth Defendant**  
**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,**  
**Commercial Court**

We refer to our fax earlier today in which we informed you that our Counsel's Clerk will be applying to the Admiralty and Commercial Court Listing Office for a date to be fixed for the trial of this action.

The clerk will be attending tomorrow, 30<sup>th</sup> June at 2.30 pm and not 29<sup>th</sup> June as erroneously stated in our earlier fax.

Yours faithfully

  
Holmes Hardingham

(319)

17/01 '08 THU 12:50 FAX 00442072803202

HOLMES HARDINGHAM 3

022

29/06 '04 TUE 15:05 FAX 00442072803203

HOLMES HARDINGHAM 4

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 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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CONNECTION ID	
ST. TIME	29/06 15:04
USAGE T	00'43
PGS.	1
RESULT	OK

## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R SHE

TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 DEX 636 LONDON/CITY

E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

### FACSIMILE TRANSMISSION

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No of Pages including this Page: 1

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Our Ref: ACH/GK/2021068

Date:

29<sup>th</sup> June 2004

Our Ref:

Dear Sirs

Bhatia Shipping &amp; Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:

Alcobex Metals Limited Sixth Defendant

Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,  
Commercial Court

We refer to our fax earlier today in which we informed you that our Counsel's Clerk will be applying to the Admiralty and Commercial Court Listing Office for a date to be fixed for the trial of this action.

The clerk will be attending tomorrow, 30<sup>th</sup> June at 2.30 pm and not 29<sup>th</sup> June as erroneously stated in our earlier fax.

Yours faithfully

*[Signature]*  
 Holmes Hardingham

*[Signature]*

320

17/01 '08 THU 12:50 FAX 00442072803202

HOLMES HARDINGHAM 3

023

## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 DX 636 LONDON/CITY  
E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

### FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990  
Addressee: ALCOBEX METALS LIMITED  
No of Pages including this Page: 3

IMPORTANT: This facsimile is intended only for the addressee. It may contain privileged and/or confidential information.  
If you are not the intended recipient please inform us by telephone and return the original to us by post.

Our Ref: ACH/DJG/2021068

Date:

1 July 2004

Your Ref:

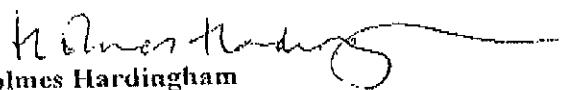
Dear Sirs

**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:**  
**Alcobex Metals Limited Sixth Defendant**  
**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,**  
**Commercial Court**

We attach by way of service a copy of the sealed Order of Mr Justice Moore-Bick made at the hearing on 25<sup>th</sup> June 2004.

We also notify you that the trial has been fixed by the Court to be heard on 11<sup>th</sup> October 2004 at the Commercial Court, Royal Courts of Justice, Strand, London WC2.

Yours faithfully

  
Holmes Hardingham

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
COMMERCIAL COURT

BEFORE THE HONOURABLE MR. JUSTICE MOORE-BICK

Between:

BHATIA SHIPPING AND AGENCIES PVT. LIMITED

-and-

SAI SHIPPING COMPANY LIMITED

First Defendant

UNIVERSE INSURANCE AGENCY LIMITED

Second Defendant

CORY BROTHERS SHIPPING LIMITED

Third Defendant

FIRST CORPORATE SHIPPING LIMITED  
(Trading as THE BRISTOL PORT COMPANY)

Fourth Defendant

SALEM TUBE INTERNATIONAL LIMITED

Fifth Defendant

ALCOBEX METALS LIMITED

Sixth Defendant

"Persey"

---

ORDER  
Dated 25<sup>th</sup> June 2004

---

UPON HEARING COUNSEL for the Claimant on the Claimant's Application  
Notice of the 15<sup>th</sup> January 2004,

**AND UPON READING:**

- (a) The Affidavit of Mr Adrian Charles Hardingham dated 15<sup>th</sup> January 2004, with accompanying exhibit, and
- (b) The witness statements of Mr. Hardingham of 25<sup>th</sup> July 2003, and 16<sup>th</sup> June 2004, with exhibits, and of Mr. Ivan Eggermont dated 14<sup>th</sup> January 2004 with exhibit, and
- (c) The Claim Form herein,

**IT IS HEREBY ORDERED AND DIRECTED** (in relation only to the trial of the issues between the Claimant and the Sixth Defendant) that:

- (1) The filing and service of Statements of Case is dispensed with.



17/01 '08 THU 12:51 FAX 00442072803202

HOLMES HARDINGHAM 3

025

TOTAL P.03

- (2) The First Affidavit of Adrian Charles Hardingham sworn on the 15<sup>th</sup> January 2004, with its accompanying exhibits, is to stand as the Claimant's Statement of Case.
- (3) Disclosure is dispensed with.
- (4) The affidavit of Mr. Hardingham of 15<sup>th</sup> January 2004 (and its accompanying exhibits), and the documents referred to therein, and the first witness statement of Mr. Ivan Eggermont (with its accompanying exhibit) do stand as the Claimant's witness statements in this action.
- (5) Re-service of the affidavit and witness statement referred to in paragraph (4) is dispensed with as they have already been served on the Sixth Defendant.
- (6) The Claimant shall serve any further affidavit evidence by 9<sup>th</sup> July 2004.
- (7) The Sixth Defendant shall serve any affidavit evidence it wishes in response to the Claimant's evidence herein by 6<sup>th</sup> August 2004.
- (8) The trial of the action between the Claimant and the Sixth Defendant shall be conducted upon affidavit evidence alone.
- (9) The trial of the action between the Claimant and the Sixth Defendant is to be fixed for a date not before 27<sup>th</sup> August 2004, with a time estimate of ½ day. The Claimant is to inform the Listing Office promptly, if the Defendant serves evidence, with a view to increasing this time estimate.
- (10) The Claimant is to attend before the Listing Office as soon as possible to fix the date for the trial.
- (11) Costs of this application are Costs in Case.

17/01 '08 THU 12:51 FAX 00442072803202

HOLMES HARDINGHAM 3

026

17/01 '08 THU 10:21 FAX 00442072803203

HOLMES HARDINGHAM 4

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TRANSMISSION OK

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 RESULT OK

## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE

TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 Dlx 636 LONDON/CITY

E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

### FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

No of Pages including this Page: 3

IMPORTANT: This facsimile is intended only for the addressee. It may contain privileged and/or confidential information.  
 If you are not the intended recipient please inform us by telephone and return the original to us by post.

Our Ref: ACH/DJG/2021068

Date:

1 July 2004

Your Ref:

Dear Sirs

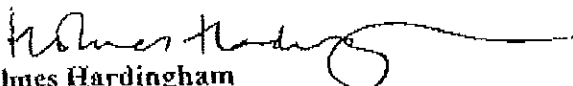
**Bhatia Shipping & Agencies PVT Limited v. Sai Shipping Company PVT Limited and Others:**  
**Alcobex Metals Limited Sixth Defendant**

**Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,**  
**Commercial Court**

We attach by way of service a copy of the sealed Order of Mr Justice Moore-Bick made at the hearing on 25<sup>th</sup> June 2004.

We also notify you that the trial has been fixed by the Court to be heard on 11<sup>th</sup> October 2004 at the Commercial Court, Royal Courts of Justice, Strand, London WC2.

Yours faithfully

  
 Holmes Hardingham

17/01 '08 THU 12:51 FAX 00442072803202

HOLMES HARDINGHAM 3

027

**O.P. GAGGAR ADVOCATE, SUPREME COURT**

S-1, Akarshan Bhawan, 23, Ansari Road, Darya Ganj, New Delhi - 110 002  
 Ph./Fax : 2328 1674, Phone : 2006 1673 Resi. : 95129 - 227 4409 (STD 0129)  
 e-mail: opgaggar@hotmail.com

July 7, 2004

Alcobex Metals Limited,  
 4223/1, Ansari Road,  
 Darya Ganj,  
 New Delhi-110 002

Dear Sirs,

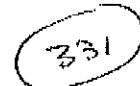
Re. In the High Court of Justice at London  
 Queen's Bench Division,  
 Commercial Court,

Bhatia Shipping and Agencies Pvt. Ltd. ....Claimant  
 Vs.  
 Sai Shipping Company Pvt. Ltd. & Ors. ...Defendants  
 2003 Folio 334

I have been instructed by Bhatia Shipping and Agencies Pvt. Ltd., Mumbai and their London Solicitors Holmes Hardingham, to serve upon you a copy of the order passed by the English High Court dated 25<sup>th</sup> June 2004 in the proceedings commenced *inter alia* against you by Bhatia Shipping and Agencies Pvt. Ltd., Mumbai in the High Court of Justice, Queen's Bench division, Commercial Court, London, U.K and the First Affidavit of Mr. Ivan Eggermont in support of the Application notice dated 15.1.2004 (Which application notice was served upon you by my letter dated 31<sup>st</sup> May 2004) seeking a judgment in favour of Bhatia Shipping and Agencies Pvt. Ltd., Mumbai, together with it's exhibit marked as Exhibit "IE-2" which consists of the First Witness Statement of Mr. Ivan Eggermont together with it's Exhibit marked as Exhibit "IE-2" which consists of documents.

Accordingly, the copies of the said order of the English High Court dated 25<sup>th</sup> June 2004 and the First Affidavit of Mr. Ivan Eggermont together with it's exhibit marked as Exhibit "IE-2" which consists of the First Witness Statement of Mr. Ivan Eggermont together with it's Exhibit marked as Exhibit "IE-1" containing documents are enclosed.

..../2

17/01 '08 THU 12:52 FAX 00442072803202

HOLMES HARDINGHAM 3

028

**O.P. GAGGAR ADVOCATE, SUPREME COURT**

S-1, Akarshan Bhawan, 23, Ansari Road, Darya Ganj, New Delhi - 110 002  
Ph./Fax : 2328 1674, Phone : 2006 1673 Resl. : 95129 - 227 4409 (STD 0129)  
e-mail: opgaggar@hotmail.com

-2-

The above documents have also been sent to you by fax by Holmes Hardingham, the London Solicitors of Bhatia Shipping and Agencies Pvt. Ltd., Mumbai.

Please note that the trial has been fixed for 11<sup>th</sup> October 2004 by the English High Court.

Please acknowledge receipt.



Yours Faithfully,

A handwritten signature in black ink, appearing to be "O. P. Gaggar".

O. P. Gaggar  
Advocate for the Claimant

- Encl. 1. Order of the English High Court dated 25<sup>th</sup> June 2004.
2. First Affidavit of Mr. Ivan Eggermont together with it's exhibit marked as Exhibit "IE-2" which consists of the First Witness Statement of Mr. Ivan Eggermont together with it's Exhibit marked as Exhibit "IE-1" containing documents

IE

332

17/01 '08 THU 12:52 FAX 00442072803202

HOLMES HARDINGHAM 3

029

**O.P. GAGGAR ADVOCATE, SUPREME COURT**

S-1, Akarshan Bhawan, 23, Ansari Road, Darya Ganj, New Delhi - 110 002  
Ph./Fax : 2328 1674, Phone : 2006 1673 Resi. : 95129 - 227 4409 (STD 0129)  
e-mail: opgaggar@hotmail.com

July 8, 2004

Alcobex Metals Limited,  
4223/1, Ansari Road,  
Darya Ganj,  
New Delhi-110 002

Dear Sirs,

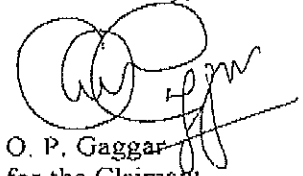
Re. In the High Court of Justice at London  
Queen's Bench Division,  
Commercial Court,

Bhatia Shipping and Agencies Pvt. Ltd. ....Claimant  
Vs.  
Sai Shipping Company Pvt. Ltd. & Ors. ...Defendants  
2003 Folio 334

Further to my letter dated 7<sup>th</sup> July, 2004 whereupon you have been served with copies of the said order of the English High Court dated 25<sup>th</sup> June 2004 and the First Affidavit of Mr. Ivan Eggermont together with it's exhibit marked as Exhibit "IE-2 I have now been instructed to serve upon you the enclosed affidavit of Mr. Prashant S. Pratap dated 8.7.2004 in respect of the same proceedings instituted M/s Bhatia Shipping and Agencies Pvt. Ltd., Mumbai, in the High Court of Justice, Queen's Bench division, Commercial Court, London, U.K.

Please acknowledge receipt.

Yours Faithfully,



O. P. Gaggar  
Advocate for the Claimant

Encl. Affidavit of Mr. Mr. Prashant S. Pratap

*Recd & Photocopy*  
For ALCOBEX METALS LTD.  
*Prashant S. Pratap*  
Authorized Signatory  
8/7/2004  
(17)

(333)

17/01 '08 THU 12:52 FAX 00442072803202

HOLMES HARDINGHAM 3

030

IN THE HIGH COURT OF JUSTICE AT LONDON  
QUEEN'S BENCH DIVISION  
COMMERCIAL COURT

Claim No. 2003 FOLIO 334

Bhatia Shipping and Agencies Pvt. Ltd.

.....Claimant

Vs.

Sai Shipping Company Pvt. Ltd. &amp; Ors.

.....Defendants

AFFIDAVIT OF MR. PRAKASH ARYA, SON OF SHRI UDAI ARYA  
AGED ABOUT 22 YEARS, RESIDENT OF S-1, AKARSHAN BHAVAN,  
23, ANSARI ROAD, DARYAGANJ, NEW DELHI-110 002, INDIA

I, the deponent abovenamed solemnly affirm and state as under:-

1. That I am Clerk of Shri O. P. Gaggar, Advocate. I know the facts of the service of the order of the English High Court dated 25<sup>th</sup> June 2004 and First Affidavit of Mr. Ivan Eggermont together with the exhibits on the defendant number 6 and can depose the same.

2. That on 7<sup>th</sup> July, 2004 at about 4.30 PM, I personally went to the office of the defendant number 6 namely M/s Alcobex Metals Limited at 4223/1, Ansari Road, Daryaganj, New Delhi-110002 and served the following papers on the defendant No. 6:-

IN TESTIMONY WHERE OF,  
I HAVE HEREUNTO SET  
MY HAND AND AFFIXED  
THE SEAL, NEW DELHI, INDIA  
ON 07.07.04.

- i. Order of the English High Court dated 25<sup>th</sup> June 2004 and
- ii. First Affidavit of Mr. Ivan Eggermont together with the exhibits.



ATTESTED  
07.07.04.  
DIPANKAR DAS  
ADVOCATE  
NOTARY PUBLIC  
REGD. No. 918  
GOVT. OF INDIA  
14 LAWYERS CHAMBER  
SUPREME COURT OF INDIA  
NEW DELHI

And on 8<sup>th</sup> July 2004, at about 2.30 PM, I personally went to the abovementioned office of the Defendant number 6 and served them an affidavit of Mr. Prashant S. Pratap alongwith a covering letter. All the above papers were served on the defendant number 6 alongwith letter of service. The defendant number 6 who has given receipt of the same by putting the stamp and signature on the covering letter as well as the copies of the above papers.

(13)

*Prakash*  
Deponent

329

17/01 '08 THU 12:52 FAX 00442072803202

HOLMES HARDINGHAM 3

031

-2-

## VERIFICATION

I, Prakash Arya, the deponent abovesaid hereby verify that the contents of the above para 1 and 2 is correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.

Verified so at New Delhi on this 9th day of July, 2004.

IN TESTIMONY WHERE OF  
I HAVE HEREUNTO SET  
MY HAND AND AFFIXED  
THE SEAL NEW DELHI, INDIA  
ON 09.07.04



Solemnly affirmed before me

Attested  
09.07.04  
DIPANKAR DAS  
ADVOCATE  
NOTARY PUBLIC  
REGD. NO. 918  
GOVT. OF INDIA  
14, LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI

Mr. O. P. Jaggi A.S. Se.

I Identify the Executant / Deponent  
who has Signed in My Presence

MY COMMISSION  
EXPIRES ON 31st Sept 2005

*Prakash Arya*

Deponent.

SIGNATURE ATTESTED  
*[Signature]*

*[Signature]*

330

17/01 '08 THU 12:53 FAX 00442072803202

HOLMES HARDINGHAM 3

032

# HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 DEX 636 LONDON/CITY  
E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

## FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

No of Pages including this Page: 3

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Our Ref: ACH/JP/2021068

Date:

13 September, 2004

Your Ref:

Dear Sirs

**BHATIA SHIPPING & AGENCIES PVT LIMITED v.  
SAI SHIPPING COMPANY PVT LIMITED AND OTHERS:  
ALCOBEX METALS LIMITED SIXTH DEFENDANT  
CLAIM NO: 2003 FOLIO 334 IN THE HIGH COURT OF JUSTICE,  
QUEEN'S BENCH DIVISION, COMMERCIAL COURT**

We attach for your information a copy of the Court's letter dated 9<sup>th</sup> July 2004.

Yours faithfully,

*Holmes Hardingham*

\_\_\_\_\_

**PARTNERS:** ADRIAN HARDINGHAM NICHOLAS WALSER DAVID JOHNSTON ANDREW MESSENT TIM KNIGHT JANE HOBBS MARION PENNY  
**ASSOCIATES:** IAN RAMSAY (LEGAL EXECUTIVE) NIKHILAN AHYAKATK **CONSULTANTS:** PRACTISING: DAVID PADOVAN NON PRACTISING: ANTHONY HOLMES NICHOLAS GARRETT  
ANDREW GOLDERWORTHY

REGULATED BY THE LAW SOCIETY VAT NO G11 564 7403 33



17/01 '08 THU 12:53 FAX 00442072803202

HOLMES HARDINGHAM 3

033



THE COURT SERVICE  
SUPREME COURT GROUP

Listing Office to the Admiralty Judge  
and Commercial Court,  
Room E201,  
Royal Courts of Justice, Strand, London, WC2A 2LL  
DX 44450 STRAND WC2

Telephone: 0207 947 6826

Facsimile: 0207 947 7670

E-mail: Angela.Hodgson@courtservice.gsi.gov.uk

Holmes Hardingham Walser Johnston  
22-23 Great Tower Street  
London  
EC3R 5HE

9<sup>th</sup> July 2004

Your ref: AC11/2021068

Dear Sirs,

RE: 2003/334 "Persey" Bhatia Shipping And Agencies PVT. Limited -v- Aleobex  
Metals Limited

I am writing to confirm that the above matter has been fixed for trial on 11<sup>th</sup> October 2004 for ½  
a Commercial day.

Please note that this date is a not before date and that the trial may not necessarily commence on  
this day.

The start date will depend on whether other trials are overrunning and the amount of reading  
time the Judge will need before starting the trial. It is sometimes appropriate for the Judge to  
hear opening submissions on day one of the trial and then for the Judge to break to read. It  
should not be assumed that the Judge will have more than ½ day reading time before the start of  
the trial.

It is therefore important that you comply with section J5.1 of the Commercial guide with regard  
to the time for lodging the reading list. It is also important that in accordance with section  
D16.2 of the Guide, that you let me know if a delay to the start date may cause inconvenience to  
witnesses or others involved in the trial.

In accordance with the rules, the trial bundles should be lodged with the court at least 7 days  
before the start of the trial. If however, the trial bundles are voluminous (i.e.: more than 3 lever  
arch files) it would be appreciated if you could ring the listing office before delivery to  
determine whether they should be delivered direct to the Judge or to the listing office.

17/01 '08 THU 12:53 FAX 00442072803202

HOLMES HARDINGHAM 3

034

I would be grateful if you would also pay the £600 setting down fee as soon as possible. The cheque should be made payable to HM Paymaster General, and the receipt should be lodged with the registry Room E200a.

In accordance with 113.3 of the Commercial Court Guide, I would be grateful if you would advise me whether you wish to call evidence by video link.

Please arrange for this letter to be copied to all other parties involved.

Yours faithfully



PP Dan Pope  
Angela Hodgson  
Clerk to the Commercial Court

17/01 '08 THU 12:53 FAX 00442072803202

HOLMES HARDINGHAM 3

035

3/09 '04 MON 16:57 FAX 00442072803203

HOLMES HARDINGHAM 4

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 \*\*\* TX REPORT \*\*\*  
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MARITIME AND COMMERCIAL SOLICITORS

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TEL: +44 (0)20 7280 3200 FAX: +44 (0)20 7280 3201 DEX 636 LONDON/CITY

E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

### FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

No of Pages including this Page: 3

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Our Ref: ACH/JP/2021068

Date:

13 September, 2004

Your Ref:

Dear Sirs

**BHATIA SHIPPING & AGENCIES PVT LIMITED v.  
 SAI SHIPPING COMPANY PVT LIMITED AND OTHERS:  
 ALCOBEX METALS LIMITED SIXTH DEFENDANT  
 CLAIM NO: 2003 FOLIO 334 IN THE HIGH COURT OF JUSTICE,  
 QUEEN'S BENCH DIVISION, COMMERCIAL COURT**

We attach for your information a copy of the Court's letter dated 9<sup>th</sup> July 2004.

Yours faithfully,

*Holmes Hardingham*

17/01 '08 THU 12:54 FAX 00442072803202

HOLMES HARDINGHAM 3

038

## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

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---

Our Ref: ACH/jd/2021068

Date:

4<sup>th</sup> October 2004

Your Ref:

Dear Sirs,

Bhatia Shipping & Agencies Pvt. Limited v. Sai Shipping Company Pvt. Limited and Others:  
Alcobex Metals Limited Sixth Defendant  
Claim No: 2003 Folio 334 in the High Court of Justice, Queen's Bench Division,  
Commercial Court

We attach by way of service upon you the following:

1. Index to the bundle for the trial due to take place on 11<sup>th</sup> October 2004.
2. Order dated 16<sup>th</sup> January 2004 of Mr. Justice Langley, in case you have not previously seen this.
3. Second Affidavit (sworn 4<sup>th</sup> October 2004) of A.C. Hardingham with exhibit "ACH16".

Yours faithfully,

*Holmes Hardingham*

17/01 '08 THU 12:54 FAX 00442072803202

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4/10 '04 16:02 FAX

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 \*\*\* TX REPORT \*\*\*  
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 USAGE T 25'56  
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Our Ref: ACH/jd/2021068

Date:

4<sup>th</sup> October 2004

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3. Second Affidavit (sworn 4<sup>th</sup> October 2004) of A.C. Hardingham with exhibit "ACH16".

Yours faithfully,

17/01 '08 THU 12:54 FAX 00442072803202

HOLMES HARDINGHAM 3

038

## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

22-23 GREAT TOWER STREET LONDON EC3R 5HE  
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Our Ref: ACH/DJG/2021068

Date:

7 October 2004

Your Ref:

Dear Sirs

**BHATIA SHIPPING & AGENCIES PVT LIMITED v.  
SAI SHIPPING COMPANY PVT LIMITED AND OTHERS:  
ALCOBEX METALS LIMITED SIXTH DEFENDANT  
CLAIM NO: 2003 FOLIO 334 IN THE HIGH COURT OF JUSTICE,  
QUEEN'S BENCH DIVISION, COMMERCIAL COURT**

We attach by way of service on you the following in respect of the trial fixed for 11<sup>th</sup> October 2004:

1. Claimant's Skeleton Argument.
2. Claimant's Suggested Pre-Reading List.
3. Claimant's Dramatis Personae.
4. Claimant's Chronology.

Yours faithfully,

*Holmes Hardingham*

PARTNERS: ADRIAN HARDINGHAM, NICHOLAS WALKER, DAVID HUNSTON, ANDREW MESSING, TIM KNIGHT, JANE HOBBS, MARTIN PENNY  
ASSOCIATES: IAN RAVISAY (LEGAL EXECUTIVE), NIKANTAN ABHYARATNE (CONSULTANTS), PRACTISING: DAVID PARDOVAN, NUN PRACTISING: ANTHONY HOLMES, NICHOLAS GARRY PT  
ANDREW GOLDSWORTHY

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Our Ref: ACH/DJG/2021068

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 SAI SHIPPING COMPANY PVT LIMITED AND OTHERS:  
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3. Claimant's Dramatis Personae.
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## HOLMES HARDINGHAM

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Our Ref: ACH/DJG/2021068

Date:

8 October 2004

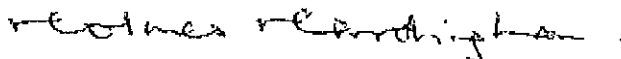
Your Ref:

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SAI SHIPPING COMPANY PVT LIMITED AND OTHERS:  
ALCOBEX METALS LIMITED SIXTH DEFENDANT  
CLAIM NO: 2003 FOLIO 334 IN THE HIGH COURT OF JUSTICE,  
QUEEN'S BENCH DIVISION, COMMERCIAL COURT**

We attach the Statement of Costs which we are filing with the Court in connection with the trial fixed for 11<sup>th</sup> October 2004.

Yours faithfully



Holmes Hardingham



Claim No. 2003 Folio 334

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

COMMERCIAL COURT

BETWEEN:

BHATIA SHIPPING AND AGENCIES PVT. LIMITED

Claimant

-and-

~~SAI SHIPPING COMPANY LIMITED~~

First Defendant

UNIVERSE INSURANCE AGENCY LIMITED

Second Defendant

CORY BROTHERS SHIPPING LIMITED

Third Defendant

FIRST CORPORATE SHIPPING LIMITED  
(trading as THE BRISTOL PORT COMPANY)

Fourth Defendant

SALEM TUBE INTERNATIONAL LIMITED

Fifth Defendant

ALCOBEX METALS LIMITED

Sixth Defendant

---

STATEMENT OF COSTS OF THE  
CLAIMANT IN RESPECT OF THE  
TRIAL ON 11<sup>th</sup> OCTOBER 2004

---

**Charging rates applied:**

(1) Adrian Hardingham - Partner - Hourly Rate £ 275.00 per hour

**Correspondence and attendance on the Claimant:**

(1) 29.7 hours @ £275.00 = £ 8,167.50

**Correspondence and attendance on the Defendants:**

(1) 28.6 hours @ £275.00 = £ 7,865.00

**Correspondence and attendance on Counsel:**

(1) 16.8 hours @ £275.00 = £ 4,620.00

**Correspondence and attendance on Others:**

(1) 12.8 hour @ £275.00 = £ 3,520.00

**Attendance on Documents:**

The consideration and preparation of documents.

The preparation of Claim Form.

Preparation of instructions to Counsel.

The preparation of long correspondence to the Claimant and Defendants.

The preparation of Witness statements.

The preparation of and consideration of Notice of Applications.

The consideration of witness statements of the Defendant.

The preparation and consideration of Affidavits

Preparation for hearings and briefs to Counsel.

Consideration of Counsel's Skeleton.

(1) 98 hours @ £275.00 = £ 26,950.00

**Attending hearings, travel and waiting:**

(1) 6 hours @ £275.00 = £ 1,650.00

**Counsel's fees – Mr Michael McParland [1983]**

Preparation, settling and advices. = £ 9,050.00

Briefs on hearings = £ 9,500.00

**Disbursements:**

Court fees = £ 2,440.00

India Correspondent's fees US\$ 4,000.00 (at 1.7821) = £ 2,245.00

Shipping Registry Information = £ 86.15

Translator's fees = £ 49.68

Swear fees = £ 7.00

Bank charges = £ 25.95

Courier charges = £ 247.87

Law Costs Draftsman – P A White, FALCD = £ 1,470.00

Copying, travel and incidentals = £ 275.00

**GRAND TOTAL** £ 78,169.15

The above costs do not exceed the costs which the Defendants are liable to pay in respect of the work covered by this Statement.

Dated: 8<sup>th</sup> October 2004

Signed: AC Hardingham  
 Adrian Charles Hardingham  
 Partner, Holmes Hardingham.  
 Solicitors for the Claimant.

17/01 '08 THU 12:56 FAX 00442072803202

HOLMES HARDINGHAM 3

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'10 '04 FRI 11:10 FAX 00442072803203

HOLMES HARDINGHAM 4

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## HOLMES HARDINGHAM

MARITIME AND COMMERCIAL SOLICITORS

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E-MAIL: Firstname.Surname@HHlaw.co.uk WEBSITE: www.HHlaw.co.uk

## FACSIMILE TRANSMISSION

To Fax No: 00 91 291 274 1990

Addressee: ALCOBEX METALS LIMITED

No of Pages including this Page: 4

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 SAI SHIPPING COMPANY PVT LIMITED AND OTHERS:  
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Yours faithfully

*Holmes Hardingham*

Holmes Hardingham